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JAN 23 2006

OFFICE OF PETITIONS

In re Application of	:	
Edward A. Ludvig et al.	:	
Application No. 09/359,561	:	DECISION ON PETITION
Filed: July 22, 1999	:	
Attorney Docket Number: SEDN/168CIP1	:	
Title: METHOD AND APPARATUS FOR	:	
ENCODING A USER INTERFACE	:	

This is a decision on the petition filed January 3, 2006, pursuant to 37 C.F.R. §1.137(a)^{1,2}, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment, mailed October 17, 2003, which set a 1-month period for reply. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 18, 2003. A notice of abandonment was mailed on December 21, 2005.

¹ A grantable petition pursuant to 37 CFR §1.137(a) must be accompanied by:

- (1) the required reply (in a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof);
- (2) the petition fee;
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and;
- (4) a terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

² Petitioner has also submitted a petition under 37 CFR §1.137(b), which is rendered moot by the granting of the petition under the unavoidable standard.

With the present petition, Petitioner has submitted the petition fee and a statement of facts. The terminal disclaimer is not required. The required response was previously submitted on October 4, 2004³.

As such, the petition under 37 C.F.R. 1.137(a) is **GRANTED**.

After this decision is mailed, Technology Center 2600 will be made aware of this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. **All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.**



**Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office**

³ It appears that on this date, Petitioner attempted to combine his response with the filing of a petition to withdraw the holding of abandonment. Pursuant to 37 C.F.R. §1.4(c), each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects.